

**COMMITTEE SUBSTITUTE SENATE BILL 11 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 11 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Henderson, Howard, Washington.

The bill was read third time and was passed.

**MEMORIAL RESOLUTION**

**S.R. 153** - By Doggett: Memorial resolution for Forest Simms Pearson.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:11 o'clock p.m. adjourned, in memory of William B. Mobley, Jr., until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(February 14, 1983)

**H.C.R. 53**

**TWENTY-FIRST DAY**

(Thursday, February 17, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

A quorum was announced present.

The Reverend William Booker, Bethany Christian Church, Austin, offered the invocation as follows:

Dear God, as we come to the opening of this session of the Legislature we want to thank You for this day and ask that You will lead us in the way to go. We ask that You will be in the thought of each Legislator as he makes his decision, for if we let You lead, then he will make the right decision. Please keep us all in Your care, in Jesus' Name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Edwards.

**CO-AUTHOR OF SENATE BILL 22**

On motion of Senator Doggett and by unanimous consent, Senator Brown will be shown as Co-author of S.B. 22.

**REPORTS OF STANDING COMMITTEES**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

**S.B. 339**

**S.B. 245** (Amended)

**S.B. 250** (Amended)

**S.B. 251**

**S.B. 209**

**C.S.S.B. 132** (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

**S.B. 320**

**C.S.S.B. 346** (Read first time)

**C.S.S.B. 12** (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

**C.S.S.B. 139** (Read first time)

**C.S.S.J.R. 13** (Read first time)

**C.S.S.B. 396** (Read first time)

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 455** by Parker, Mauzy Education  
Relating to professional negotiations for certain employees of public schools.

**S.B. 456** by Caperton Finance  
Relating to an appropriation to the Texas Department of Corrections for the construction of inmate and employee housing.

**S.B. 457** by Lyon Jurisprudence  
Relating to a Uniform Statutory Court Act, the change of name of certain courts, and financing of statutory county courts.

**S.B. 458** by Lyon Health and Human Resources  
Relating to physical examinations of children in cases of reported child abuse.

**S.B. 459** by Lyon Health and Human Resources  
Relating to awarding the Texas Department of Human Resources fees for court-ordered social studies.

**S.B. 460** by Sarpalius Economic Development  
Relating to temporary licensing requirements for certain life insurance agents.

**S.B. 461** by Williams Education  
Relating to deannexation of territory within certain junior college districts containing not less than six independent school districts and situated within a county having a population of at least 2,200,000 according to the most recent federal census and establishing a new junior college district; providing for severability; and declaring an emergency.

**S.B. 462** by Montford Education  
Relating to pilot programs for the evaluation of teachers and school district administrators.

**S.B. 463** by Edwards Education  
Relating to the maximum interest rate on certain school district obligations.

**S.B. 464** by Uribe, Glasgow State Affairs  
Relating to offenses of public intoxication and driving while intoxicated, court procedures, and penalties and to the creation and funding of the Compensation to Victims of DWI Fund; amending Subsection (d), Section 24, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); adding a new Chapter 49 to Title 10, Penal Code; amending Article 42.12, Code of Criminal Procedure, 1965, as amended by amending Section 6 and adding Subsection (d) to Section 3d, Subsection (d) to Section 3f, and Subsections (c) and (d) to Section 6a; amending Article 42.13, Code of Criminal Procedure, as amended, by amending Section 6c and adding Subsection (d) to Section 3d, Subsections (c) and (d) to Section 6a, and adding Section 3f; amending Section 3, Chapter 189, Acts of the 66th Legislature, Regular Session, 1979 (Article 8309-1, Vernon's Texas Civil Statutes), by amending Subdivisions (4) and (10) and amending Section 14 by amending Subsections (a), (b), and (f) and adding Subsection (h); repealing Section 42.08, Penal Code, and Articles 67011-1 and 67011-2, Revised Statutes.

**S.B. 465** by Jones State Affairs  
Relating to notaries public.

**S.B. 466** by Jones Finance  
Relating to an appropriation to the Texas Board of Architectural Examiners to pay the increased costs of purchasing examinations.

**S.B. 467** by Jones Finance  
Relating to an appropriation to the Texas Department of Mental Health and Mental Retardation to pay utility costs incurred at its facilities.

**S.B. 468** by Caperton Education  
Relating to the establishment, objectives, duties, and ownership interests of the Institute for Ventures in New Technology as a part of the Texas Engineering Experiment Station, under the control of the board of regents of The Texas A&M University System; adding Subchapter D to Chapter 88, Texas Education Code.

**S.B. 469** by Caperton Finance  
Making a supplemental appropriation for the expenses of the Judiciary.

**S.B. 470** by Doggett Jurisprudence  
Relating to tort liability of units of government.

**S.B. 471** by Mauzy Health and Human Resources  
Amending the Hospital Authority Act to provide an alternate method of selecting members of the Board of Directors of a Hospital Authority created under said act;

permitting a reduction of the number of directors and regulation of the number of successive terms; and declaring an emergency.

**S.B. 472** by Mauzy

State Affairs

Relating to a temporary license or permit to sell beer or beer and wine for on-premises consumption.

**S.B. 473** by Mauzy

State Affairs

Relating to election of members of the Texas Employment Commission.

#### **SENATE RESOLUTION 147**

Senator Brown offered the following resolution:

**S.R. 147**, Honoring the Houston Livestock Show and Rodeo for its 51 years of promoting Texas' livestock and agriculture industries.

BROWN  
HENDERSON  
WHITMIRE

The resolution was read and was adopted.

#### **GUESTS PRESENTED**

Senator Brown was recognized and presented Buddy Bray, Tommy Vaughn and Stuart Lang, former Presidents of the Houston Livestock Show and Rodeo.

These gentlemen were welcomed by the Senate.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
February 17, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 1**, Commending Ted McKinnon.

**H.C.R. 23**, In memory of Mr. Idris Rhea Traylor.

**H.C.R. 33**, In memory of the Honorable E. Harold Beck.

**H.C.R. 34**, Commending Bishop Drury of Corpus Christi.

**H.C.R. 39**, Congratulating the West Brook High School football team.

**H.C.R. 41**, Extending congratulations to State Treasurer Ann Richards.

**H.C.R. 77**, Commending Julio Riojas on the occasion of his 112th birthday.

**S.C.R. 8**, In memory of Leon Jaworski.

**S.C.R. 21**, In memory of Leopold Meyer.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE BILL 406 REREFERRED**

On motion of Senator Traeger and by unanimous consent, S.B. 406 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Intergovernmental Relations.

**SENATE BILL 213 WITH HOUSE AMENDMENT**

Senator Farabee called S.B. 213 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate. Substitute the following for S.B. 213:

**A BILL TO BE ENTITLED  
AN ACT**

relating to the requirements for a Certificate of Medical Examination for Mental Illness and to notice and probable cause hearings in connection with orders of protective custody; amending Article 5547-8 and 5547-66 and Subsections (b) and (d), Article 5547-67, Texas Mental Health Code, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 5547-66, Texas Mental Health Code, as amended, is amended to read as follows:

"Article 5547-66. Order of Protective Custody; Hearing on Probable Cause.

(a) If in the county court in which an Application for Temporary Hospitalization or a Petition for Indefinite Commitment is pending, a Certificate of Medical Examination for Mental Illness is filed showing that the proposed patient has been examined within five (5) days of the filing of a sworn [the] Certificate and stating the opinion of the examining physician and the factual basis for that opinion that the proposed patient is mentally ill and because of his mental illness presents a substantial risk of serious harm [is likely to cause injury] to himself or others if not immediately restrained, the judge may order any health or peace officer to take the proposed patient into protective custody and immediately transport him to a designated mental hospital or other suitable place and detain him pending a probable cause hearing [order of the court]. When an order for protective custody is signed, the presiding judge shall simultaneously appoint an attorney ad litem, if there is no attorney representing the proposed patient.

"(b) The proposed patient and his attorney or attorney ad litem shall be served as soon as possible but no later than twenty-four (24) hours prior to the time of the hearing with written notice that the patient has been placed under an order of protective custody, the reasons why such order was issued, and the time and place of a hearing to establish probable cause to believe that the patient is mentally ill and presents a substantial risk of serious harm to himself or others such that he cannot be at liberty pending the commitment hearing. Such notice shall be provided by the court ordering protective custody.

"(c) A probable cause hearing shall be held within seventy-two (72) hours of the time detention begins pursuant to the order for protective custody; provided, however, that if the seventy-two (72) hour period ends on a Saturday or Sunday or a legal holiday, the probable cause hearing shall be held on the first succeeding business day. The hearing shall be before a magistrate or, at the discretion of the presiding judge, before a master appointed by the presiding judge. The master shall receive reasonable compensation. At the hearing, the patient and his attorney or attorney ad litem shall have an opportunity to appear and present evidence to challenge the allegation that the patient presents a substantial risk of serious harm to himself or others. The magistrate or master may consider evidence including letters, affidavits, and other material that may not be admissible or sufficient in a

subsequent commitment hearing. The state may prove its case on the physician's certificate filed in support of the initial detention.

"(d) If after the hearing the magistrate or master determines that no probable cause exists to believe that the proposed patient presents a substantial risk of serious harm to himself or others, he shall order the patient's release. Arrangements shall be made for the return of the patient to the location of his apprehension or to his place of residence within the state or some other suitable place. If after the hearing the magistrate or master determines that an adequate factual basis exists for probable cause to believe that the proposed patient presents a substantial risk of serious harm to himself or others, such that he cannot be at liberty pending the commitment hearing, the patient's detention in protective custody shall continue subject to the provisions of Article 5547-67. If the protective custody is to continue, the magistrate or master shall arrange for the patient to be returned to the mental hospital or other suitable place along with copies of the certificate, affidavits, and other material submitted as evidence and a Notification of Probable Cause Hearing which shall read as follows:

(Style of Case)

#### NOTIFICATION OF PROBABLE CAUSE HEARING

On this the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the undersigned hearing officer heard evidence concerning the need for protective custody of

\_\_\_\_\_  
(proposed patient)

The proposed patient \_\_\_\_\_ was given the opportunity

(name of proposed patient)

to challenge the allegations that (s)he presents a substantial risk of serious harm to self or others.

\_\_\_\_\_ and his attorney \_\_\_\_\_ have

(proposed patient)

(attorney)

been given written notice that \_\_\_\_\_ was placed under an

(proposed patient)

order of protective custody and the reasons for such order on

\_\_\_\_\_  
(date of notice)

I have examined the certificate of medical examination for mental illness and \_\_\_\_\_ Based upon this evidence, I find that there is

(other evidence considered)

probable cause to believe that \_\_\_\_\_ presents a substantial risk of

(proposed patient)

serious harm to himself or others such that (s)he cannot be at liberty pending final hearing because \_\_\_\_\_

(reasons for finding)

A copy of the Notification of Probable Cause Hearing and the supporting evidence shall also be filed with the county court which entered the original Order of Protective Custody."

SECTION 2. Subsections (b) and (d), Article 5547-67, Texas Mental Health Code, as amended, are amended to read as follows:

"(b) No person may be detained in protective custody in a non-medical facility used for the detention of persons charged with or convicted of a crime except because of and during an extreme emergency and in no case for a period of more than 72 hours [~~seven days~~]; provided, however, that if the seventy-two (72) hour period ends on a Saturday, Sunday, or legal holiday, the person may be detained in such a facility until the first succeeding business day."

"(d) Patients placed in a mental hospital in protective custody pending a hearing upon an Application for Temporary Hospitalization or a Petition for

Indefinite Commitment may be discharged by the head of the mental hospital if a final commitment order has not been entered by the court after the expiration of fourteen days in the case of an Application for Temporary Hospitalization or after the expiration of thirty days in the case of a Petition for Indefinite Commitment. If the hospital does not receive notice that a probable cause hearing has been held within seventy-two (72) hours of the time detention begins pursuant to the order for protective custody, excepting weekends and holidays, authorizing the protective custody to continue, the head of the mental hospital shall immediately release the patient from custody."

SECTION 3. Article 5547-8, Texas Mental Health Code, as amended, is amended to read as follows:

"Article 5547-8. Certificate of Medical Examination for Mental Illness

"A sworn Certificate of Medical Examination for Mental Illness shall be dated and signed by the examining physician, and shall state:

"(a) The name and address of the examining physician;

"(b) The name and address of the person examined;

"(c) The date and place of the examination;

"(d) A brief diagnosis of the physical and mental condition of the person examined;

"(e) The period of time, if any, that the person examined has been under the care of the examining physician; and

"(f) The opinion of the examining physician and the factual basis for that opinion as to whether the person examined is mentally ill, and if so —

"(1) whether he requires observation and treatment in a mental hospital; or

"(2) whether he requires hospitalization in a mental hospital; and

"(3) if the certificate is to be used in support of an Order of Protective Custody pursuant to Article 5547-66 of this code, whether, because of his mental illness, he presents a substantial risk of serious harm ~~[is likely to cause injury]~~ to himself or to others if not immediately restrained.

"(g) An accurate description of the type or kind of treatment, if any, given or administered by or under the direction of the examining physician or the head of the hospital."

SECTION 4. This Act expires August 31, 1983.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after March 1, 1983, and it is so enacted.

The amendment was read.

Senator Farabee moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

### SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

**NOMINEES CONFIRMED**

Senator Howard moved confirmation of the nominees reported yesterday by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

The following nominees, as reported by the Subcommittee on Nominations, were confirmed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

Member, State Depository Board: WILLIAM ELLIOTT, Dallas County.

Members, Texas Historical Commission: JOHN M. BENNETT, Bexar County; T. R. FEHRENBACH, Bexar County; DR. ROBERT D. HUNTER, Taylor County; JAMES S. NABORS, Brazoria County.

Members, Texas Judicial Council: JUDGE SAM BASS, JR., Brazoria County; L. E. FRAZIER, Harris County; DR. ABNER V. McCALL, McLennan County; ALAN McNEILL, Jefferson County.

Member, Texas Board of Architectural Examiners: O. E. SCHRICKEL, Tarrant County.

Member, Texas Civil Air Patrol Commission: CLAUDE L. CHAMBERS, Tarrant County.

Members, Texas Water Development Board: GEORGE W. McCLESKEY, Lubbock County; LOUIE WELCH, Harris County.

Member, Texas Board of Mental Health and Mental Retardation: RUSH HAMIL RECORD, Harris County.

Members, Texas Commission on the Arts: HUGO VICTOR NEUHAUS, JR., Harris County; MRS. MARGARET CANNON BOYCE BROWN, McLennan County; MRS. CARLA JO COCKE FRANCIS, Dallas County; EDWARD L. PROTZ, Galveston County; MANUEL A. SANCHEZ III, Harris County; MRS. BEATRICE CARR PICKENS, Potter County; MRS. HARRIET DANIEL HERD, Midland County; MRS. CAMILLA DAVIS TRAMMELL, Harris County.

Associate Justice, 1st Court of Appeals: JUDGE SAM BASS, JR., Brazoria County.

Judge, 290th Judicial District: JUDGE DAVID A. BERCHELMANN, Bexar County.

Associate Justice, 3rd Court of Appeals: JUDGE JIM C. BRADY, Travis County.

Associate Justice, 2nd Court of Appeals: JUDGE RICHARD LEE BROWN, Tarrant County.

Associate Justice, 4th Court of Appeals: JUDGE SHIRLEY W. BUTTS, Bexar County.

Associate Justice, 4th Court of Appeals: JUDGE ANTONIO GALLARDO CANTU, Bexar County.

Judge, 95th Judicial District: JUDGE NATHAN L. HECHT, Dallas County.

Associate Justice, 2nd Court of Appeals: JUDGE DIXON W. HOLMAN, Tarrant County.

Judge, 48th Judicial District: JUDGE WILLIAM LEE HUGHES, JR., Tarrant County.

Judge, 44th Judicial District: JUDGE HUBERT DEE JOHNSON, JR., Dallas County.

Associate Justice, 2nd Court of Appeals: JUDGE WALTER E. JORDAN, Tarrant County.

Judge, 292nd Judicial District: JUDGE MICHAEL EDWARD KEASLER, Dallas County.

Associate Justice, 13th Court of Appeals: JUDGE NOAH OTIS KENNEDY, Nueces County.

Judge, 194th Judicial District: JUDGE JAMES EDGAR KINKEADE, Dallas County.

Judge, 291st Judicial District: JUDGE GERRY HOLDEN MEIER, Dallas County.

Judge, 254th Judicial District: JUDGE DEE MILLER, Dallas County.

Judge, 331st Judicial District: JUDGE ROBERT ANTON PERKINS, Travis County.

Associate Justice, 12th Court of Appeals: JUDGE TOM B. RAMEY, JR., Smith County.

Justice, The Supreme Court of Texas: JUDGE TED Z. ROBERTSON, Dallas County.

District Attorney, 271st Judicial District: BROCK R. SMITH, Wise County.

Judge, 273rd Judicial District: JUDGE JOHN LUTHER SMITH, San Augustine County.

Associate Justice, 5th Court of Appeals: JUDGE JON SPARLING, Dallas County.

Judge, 103rd Judicial District: JUDGE GEORGE WILLIAM STORTER, Cameron County.

Associate Justice, 13th Court of Appeals: JUDGE NORMAN L. UTTER, Nueces County.

Associate Justice, 5th Court of Appeals: JUDGE JOHN CALDER VANCE, Dallas County.

Criminal District Attorney for Caldwell County: JEFFREY L. VAN HORN, Caldwell County.

Judge, 279th Judicial District: JUDGE ROBERT PAUL WALKER, Jefferson County.

Criminal District Attorney of Van Zandt County: TOMMY W. WALLACE, Van Zandt County.

Associate Justice, 5th Court of Appeals: JUDGE GEORGE WARREN WHITHAM, JR., Dallas County.

Judge, 299th Judicial District: JUDGE JON NEIL WISSER, Travis County.

Member, Texas Historical Commission: DORSEY B. HARDEMAN, Tom Green County.

Directors of the Criminal Justice Division: DAVID A. DEAN, Dallas County; H. DAVID HERNDON, Travis County.

Members, Dental Advisory Committee to the Texas Board of Health: MAC NORWIN POOL CHURCHILL, Tarrant County; MRS. PENELOPE TERRELL, Travis County; FOSTER KIDD, D.D.S., Dallas County.

Member, San Jacinto Historical Advisory Board: MISS LENNIE E. HUNT, Harris County.

District Attorney, 235th Judicial District: PHIL L. ADAMS, Cooke County.

Judge, 297th Judicial District: JUDGE RUFUS JAMES ADCOCK, Tarrant County.

Associate Justice, 4th Court of Appeals: JUDGE JAMES DOLLAR BASKIN, JR., Bexar County.

Judge, 309th Judicial District: JUDGE BRENT LAWRENCE BURG, Harris County.

Associate Justice, 4th Court of Appeals: JUDGE JOHN E. CLARK, Bexar County.

Judge, 125th Judicial District: JUDGE KENNETH MICHAEL HOYT, Harris County.

Associate Justice, 14th Court of Appeals: JUDGE JIMMY ROBERT JAMES, Harris County.

Judge, 308th Judicial District: JUDGE MANUEL D. LEAL, Harris County.

Judge, 209th Judicial District: JUDGE MICHAEL THOMAS McSPADDEN, Harris County.

Associate Justice, 14th Court of Appeals: JUDGE ROBERT EMMETT MORSE, JR., Harris County.

Judge, 248th Judicial District: JUDGE HENRY K. ONCKEN, Harris County.

Judge, 285th Judicial District: JUDGE HOMER DAVID PEEPLES, Bexar County.

Judge, 228th Judicial District: JUDGE TED POE, Harris County.

Associate Justice, 14th Court of Appeals: JUDGE CHARLES L. PRICE, Harris County.

Associate Justice, 1st Court of Appeals: JUDGE FRANK C. PRICE, Harris County.

Associate Justice, 4th Court of Appeals: JUDGE BLAIR REEVES, Bexar County.

Judge, 289th Judicial District: JUDGE TOM RICKHOFF, Bexar County.

Judge, 288th Judicial District: JUDGE RAUL RIVERA, Bexar County.

Associate Justice, 14th Court of Appeals: JUDGE SAMUEL HOUSTON ROBERTSON, JR., Harris County.

Judge, 262nd Judicial District: JUDGE LLOYD DOUGLAS SHAVER, Harris County.

Justice, The Supreme Court of Texas: JUDGE RUBY K. SONDOCK, Harris County.

Judge, 232nd Judicial District: JUDGE RICHARD E. STEPHANOW, Harris County.

Associate Justice, 1st Court of Appeals: JUDGE ALLEN LOUIE STILLEY, Harris County.

Judge, 182nd Judicial District: JUDGE JAMES RICHARD TREVATHAN, Harris County.

Judge, 234th Judicial District: JUDGE W. DAVID WEST, Harris County.

Judge, 295th Judicial District: JUDGE SHAROLYN WOOD, Harris County.

Members, Texas Water Well Drillers Board: FRANK GRIMES, Dallas County; NESTOR PEREZ, Menard County; JAMES L. SHAWN III, Bastrop County.

Member, Texas Water Commission: DORSEY B. HARDEMAN, Tom Green County.

Members, State Board of Veterinary Medical Examiners: ED B. AVERY, D.V.M., Frio County; JOSEPH J. BALLARD, JR., Tarrant County; A. C. "BUCK" HUGHES, Hunt County; FRANK E. MANN, JR., Wharton County; EDWARD S. MURRAY, D.V.M., Dickens County; JAY PUMPHREY, Tarrant County.

Member, Upper Neches River Authority: BEN SWINNEY, Anderson County.

Members, Upper Colorado River Authority: LEONARD CUMBIE IVEY, SR., Coke County; JOHN R. (DICK) SALMON, Tom Green County.

Members, Advisory Council for Technical-Vocational Education in Texas: (Appointed by State Board of Education) MISS KIMBERLY ALECIA GILLIAM, McLennan County; HORTENCIA V. LOPEZ, Calhoun County.

Director, Office of State-Federal Relations: DANIEL N. MATHESON III, Dallas County.

Secretary of State: DAVID A. DEAN, Dallas County.

Members, State Board of Registration for Professional Engineers: DILLARD S. HAMMETT, Dallas County; BILL W. KLOTZ, Harris County; JAMES KEN NEWMAN, Denton County.

Members, Texas State Board of Podiatry Examiners: MRS. JOHNNIE DAVIS, Ector County; MARION J. FILIPPONE, D.P.M., Harris County; EUGENE R. SCIOLI, D.P.M., Lubbock County.

Member, Board of Land Surveying: W. T. SATTERWHITE, Rockwall County.

#### **COMMITTEE SUBSTITUTE SENATE BILL 155 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 155**, Relating to the operations and continuation of the Commission on Law Enforcement Officer Standards and Education.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **C.S.S.B. 155**, page 3, by striking lines 8 and 9 and substituting in lieu thereof the following:

with a law enforcement agency. One member must be a person who is licensed under the provisions of this Act. Each licensed member must have been

The amendment was read and was adopted.

Senator Lyon offered the following amendment to the bill:

Amend **C.S.S.B. 155** as follows:

On page 3, strike lines 39 through 44 and substitute in lieu thereof the following:

(e) A member or employee of the Commission may not be an officer, employee, or paid consultant of a trade association in the law enforcement industry. For the purposes of this section, "trade associations in the law enforcement industry" does not include associations whose purpose and membership is solely for the benefit of law enforcement officers themselves.

On page 3, strike lines 45 through 49 and substitute in lieu thereof the following:

(f) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the Commission may not serve as a member of the Commission or act as the general counsel to the Commission.

The amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 155 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 155** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed.

#### **COMMITTEE SUBSTITUTE SENATE BILL 235 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 235, Relating to the University of Houston System.**

The bill was read second time.

Senator Sharp offered the following amendment to the bill:

Amend C.S.S.B. 235 as follows:

- (1) On page 1, line 42, strike "institution of higher education" and substitute "center".
- (2) On page 1, line 44, strike "institution" and substitute "center".
- (3) On page 1, lines 47 and 48, strike "shall provide for adequate physical facilities for use by the university and".
- (4) On page 1, line 49, strike "university" and substitute "center".
- (5) On page 1, line 51, strike "the customary" and substitute "appropriate".
- (6) On page 1, line 53, strike "university" and substitute "center".
- (7) On page 1, line 54, strike "university" and substitute "center".
- (8) On page 1, lines 55 and 56, strike "as a general academic teaching institution".

The amendment was read and was adopted.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 235 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 235 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**SENATE BILL 238 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 238, Relating to the regulation of lay midwives; providing penalties.**

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend S.B. 238, Section 8, by adding subsection (c) as follows:

- (c). The department shall establish a procedure for reporting and processing complaints relating to lay midwifery practice in Texas.

and Section 16, by adding subsection (g) as follows:

- (g). Each lay midwife shall disclose to a prospective or actual client the procedure for reporting complaints with the department.

The amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 238 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 238 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed.

#### COMMITTEE SUBSTITUTE SENATE BILL 22 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 22**, Relating to creation of the criminal offense of possession, manufacture, transportation, repair, or sale of an armor-piercing bullet.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend **C.S.S.B. 22** as follows:

- (1) Strike Subdivision 12 in Section 1 of the bill and substitute the following:

(12) “Armor-piercing ammunition” means handgun ammunition that is designed primarily for the purpose of penetrating metal or body armor and to be used principally in pistols and revolvers.

- (2) Strike Subdivision 7 in Section 2 of the bill and substitute the following:

(7) armor-piercing ammunition.

- (3) Strike all above the enacting clause and substitute the following:

#### A BILL TO BE ENTITLED AN ACT

relating to creation of the criminal offense of possession, manufacture, transportation, repair, or sale of armor-piercing ammunition.

DOGGETT  
BROWN

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 22 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 22 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed.

**SENATE CONCURRENT RESOLUTION 11 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading:

**S.C.R. 11**, Granting CFW Construction Co., Inc., permission to sue the State.

The resolution was read second time and was adopted.

**SENATE BILL 211 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 211**, Relating to contracts entered into by Pan American University.

The bill was read second time.

Senator Uribe offered the following committee amendment to the bill:

Amend **S.B. 211** by striking all below the enacting clause and by substituting the following:

“SECTION 1. Section 112.33, Texas Education Code, is amended to read as follows:

Sec. 112.33. **FISCAL MANAGEMENT.** The responsibility for the fiscal management and the operations of the university is vested in the board of regents. The board may adopt rules, regulations, and bylaws relating to the sound fiscal management and the operation of the university. The board may adopt rules delegating the authority to negotiate and sign contracts to an officer of the university. Nothing in this section shall be construed to limit the application of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) to the university. [CONTRACTS. All contracts of the university must be approved by a majority of the board of regents.]

SECTION 2. The importance of this legislation and the crowded condition of the calendars of both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.”

The committee amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 211 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 211 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE SENATE BILL 234 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 234**, Relating to the regulation of persons engaged in the business of designing, selling, installing, maintaining, or servicing fire protection sprinkler systems; providing a penalty.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend **C.S.S.B. 234**, Section 7, by re-numbering the present Section 7 to (a) and adding the new subsection (b) as follows:

- (b). The board shall establish a procedure for reporting and processing complaints relating to the business of designing, selling, installing, or servicing fire protection sprinkler systems in Texas.

The amendment was read and was adopted.

Senator Howard offered the following amendment to the bill:

Amend **C.S.S.B. 234**, Section 4, by striking subsection (c) in its entirety and substituting the following:

- (c). Each responsible managing employee must obtain a license issued by the board and conditioned on the successful completion of the examination requirement and other requirements prescribed by the rules adopted under this article. The board shall from time to time set examination fees, fees for issuance of the initial responsible managing employee license, and annual license renewal fees in amounts sufficient to carry out the expenses of administration of this Act when combined with other provisions of this Act.

The amendment was read.

On motion of Senator Howard and by unanimous consent, the amendment was withdrawn.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 234 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 234 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed.

**SENATE BILL 361 ON SECOND READING**

On motion of Senator Doggett and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 361**, Relating to reports by the comptroller on the loss of certain state revenue because of tax exemptions, discounts, exclusions, and special rates and special methods of reporting.

The bill was read second time and was passed to engrossment.

**SENATE BILL 361 ON THIRD READING**

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 361 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed.

**COMMITTEE SUBSTITUTE SENATE BILL 347 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 347**, Relating to the creation of the County Criminal Courts at Laws Nos. 11 and 12 of Harris County, Texas; defining the jurisdiction of the courts; fixing terms; providing for the appointment and election, terms of office, qualifications, and compensation of judges; providing for transfer of cases, exchange of benches and judges; providing the duties of the officers of the court and necessary personnel; making other provisions relative to the courts; providing a severability clause; providing effective dates; and declaring an emergency.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 347 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 347 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Washington.

Absent-excused: Caperton, Glasgow.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

#### MEMORIAL RESOLUTIONS

H.C.R. 23 - (Montford): Memorial resolution for Idris Rhea Traylor.

S.R. 159 - By Farabee: Memorial resolution for Dr. Forrest Dewey Monahan.

S.R. 160 - By Farabee: Memorial resolution for Emanuel E. Davis.

S.R. 161 - By Farabee: Memorial resolution for Henry D. "Pete" Shands.

S.R. 162 - By Farabee: Memorial resolution for Myrtle Lenora Russell.

#### CONGRATULATORY RESOLUTIONS

H.C.R. 1 - (Doggett): Commending Ted McKinnon.

H.C.R. 34 - (Truan): Commending Bishop Drury of Corpus Christi.

S.R. 157 - By Edwards: Extending congratulations to the First Baptist Church of Chilton on the occasion of its 100th anniversary.

S.R. 158 - By Sharp: Commending Morris Roberts for his service to the people of South Texas.

S.R. 163 - By Blake: Commending Judge K. P. Bryant.

S.R. 164 - By Blake: Commending Mrs. Mamie Lee Carter.

S.R. 165 - By Blake: Honoring Judge N. R. Link on the occasion of his retirement.

S.R. 166 - By Blake: Commending T. R. Perkins.

S.R. 167 - By Blake: Commending Judge Orvan B. Jones.

S.R. 168 - By Caperton: Extending congratulations to Mr. and Mrs. Leo A. Moraw.

S.R. 169 - By Caperton: Extending congratulations to Mr. and Mrs. Bennie E. Kaulfus.

S.R. 170 - By Caperton: Extending congratulations to Mr. and Mrs. Wilson Woehst.

S.R. 171 - By Caperton: Extending congratulations to Mr. and Mrs. Odell Landers.

S.R. 172 - By Caperton: Extending congratulations to Mr. and Mrs. Herman Wuebker, Sr.

S.R. 173 - By Caperton: Extending congratulations to Mr. and Mrs. Henry W. Matejka.

S.R. 174 - By Caperton: Extending congratulations to Mr. and Mrs. E. D. Mathews.

S.R. 175 - By Caperton: Extending congratulations to Mr. and Mrs. Jesus Belasquez.

S.R. 176 - By Caperton: Extending congratulations to Mr. and Mrs. Carlton Kinnison.

S.R. 177 - By Caperton: Extending congratulations to Mrs. Grace Morris.

S.R. 178 - By Caperton: Extending congratulations to Miss Jo Lena Dial.

S.R. 179 - By Caperton: Extending congratulations to Mr. and Mrs. Otho Davis.

S.R. 180 - By Caperton: Extending congratulations to Mr. and Mrs. Warren Beshears.

S.R. 181 - By Caperton: Extending congratulations to Mr. and Mrs. Raymond Jones.

S.R. 182 - By Caperton: Extending congratulations to Miss De'Anne Holt and Miss Joelynn Barclay.

S.R. 183 - By Caperton: Extending congratulations to Mr. and Mrs. Elliott Anthony.

S.R. 184 - By Caperton: Extending congratulations to Mr. and Mrs. M. L. T. Jackson.

S.R. 185 - By Caperton: Extending congratulations to Reverend W. D. Taylor.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:59 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 21, 1983.

**In Memory****of****William B. Mobley, Jr.**

Senator Truan offered the following resolution:

**(Senate Resolution 186)**

WHEREAS, The City of Corpus Christi mourns the death of one of its most outstanding and respected citizens, Mr. William B. Mobley, Jr., who died on February 16, 1983; and

WHEREAS, A man of utmost probity and integrity, Mr. Mobley had been a member of the legal profession since 1955; and

WHEREAS, Determined to represent Nueces County and its citizens to the best of his abilities, Mr. Mobley served as assistant county attorney for two years; and

WHEREAS, Elected district attorney in 1968, Mr. Mobley was a strong advocate on behalf of Corpus Christi and its citizens; a polished and skilled courtroom orator, Mr. Mobley won many a case that would have daunted a less brilliant man; and

WHEREAS, Several professional, civic, and charitable organizations were the recipients of his keen and incisive legal mind; past president of the Corpus Christi Junior Chamber of Commerce and the Defense Attorneys in Criminal Cases, Mr. Mobley also served as Vice-President of the Nueces County Bar Association; and

WHEREAS, At the time of his death, Mr. Mobley was president and board member of the Texas District and County Attorneys Association; and

WHEREAS, Determined to upgrade the profession he loved so well, Mr. Mobley was a member of the National District Attorneys Association and the Law Enforcement Officers Association of Texas; and

WHEREAS, A member of Masonic Lodge #189, Scottish Rite, and Al Amin Shrine Temple, Mr. Mobley also served his community as Co-Chairman of the United Fund Association and on the board of directors of the Corpus Christi Chamber of Commerce; and

WHEREAS, First and foremost a devoted family man, Mr. Mobley and his wife, Betty Jo, were the proud parents of two fine young adults, Brode and Laura, and the loving grandparents of Billy and Kristen Mobley; and

WHEREAS, William B. Mobley will live on in the hearts and minds of those who lived and worked with him as a man of courage, compassion, and great gentleness; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, hereby pay tribute to the life of service of William B. Mobley and extend deep condolences to the members of his family on their grievous loss; his wife, Betty Jo; his children, Brode and Laura; and his grandchildren, Billy and Kristen; and, be it further

RESOLVED, That copies of this Resolution be prepared under the Seal of the Senate and presented to the members of his family as an expression of sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of William B. Mobley.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**TWENTY-SECOND DAY**  
(Monday, February 21, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Williams.

Absent-excused: Whitmire.

A quorum was announced present.

The Reverend Jim Cloninger, Asbury Methodist Church, Austin, offered the invocation as follows:

Almighty God, Creator of all that is good and true, our Redeemer who gave us light. We ask that You be with us this morning. May Your Spirit guide and direct this body as it makes deliberations that affect people and institutions. We have now entered this new season of Lent hoping to respond to Your call to preparation and reconciliation. May You help us to listen and to act with the other person's needs first and our own second. Be with us in all that we do and say. We ask this in the name of Your Son. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 17, 1983, was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 21, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 11, In memory of Leo Riedel.

H.C.R. 20, Extending congratulations to Attorney General Jim Mattox.